THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No: 27033 of 2005

Dt.20-12-2005

Between:

M/s. V.L.G. Mallesham & Co., a Prop. Concern,
rep. by its Proprietor Ramanaiah S/o Mallesham,
aged about 80 years, occ: Business,
Peddapally, Karimnagar District.

...PETITIONER

AND

1. Indian Oil Corporation Ltd., rep. by its Manager,
Divisional Office, Narsapur House,
Himayathnagar, Hyderabad and another.

...RESPONDENTS

ORDER: -

The petitioner is a dealer of a retail outlet of M/s. Indian Oil Corporation Limited. He was issued a show cause notice dated
19-11-2005 alleging that the sample drawn from the nozzle of the outlet on 22-10-2005 did not meet the specifications on an analysis conducted at their laboratory at Chennai, and the petitioner was directed to show cause as to why necessary action shall not be taken in accordance with the Market Discipline Guidelines, 2005, as well as the Dealership Agreement.

2. The petitioner states that on 22-10-2005 itself, the respondent left the second

sample of the product with him, and unless the sample is sent to an independent chemical laboratory, further action in pursuance of the show cause notice cannot be taken.

3. Learned Standing Counsel, on instructions, submits that the respondents are prepared to get analysed, the sample left with the petitioner, by any authorized laboratory in the presence of the petitioner.

4. The grievance of the petitioner is that further action in issuance of the show cause notice dated 19-11-2005 cannot be taken, unless the sample which is left with him is analysed by a recognized chemical laboratory. The respondents have expressed their willingness to accept the request of the petitioner.

5. In that view of the matter, the writ petition is disposed of directing that it shall be open to the petitioner to address the respondents, expressing its willingness, to get the sample left with it analysed through a recognized laboratory. On receiving the same, the second respondent shall take necessary steps for getting the sample analysed. Further action in issuance of the second show cause notice shall take place only after the analysis of the sample referred to above is undertaken. There shall be no order as to costs.

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JUSTICE L. NARASIMHA REDDY

Dt.20-12-2005

GLV